

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

MONDAY, THE FOURTEENTH DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MRS JUSTICE T.MEENA KUMARI

and

THE HON'BLE MR JUSTICE S.ANANDA REDDY

WRIT APPEAL NO : 214 of 2005

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated
16.11.2004 in WP NO : 25427 OF 2001 on the file of the High Court.)

Between:

The Depot Manager, APSRTC, Nirmal Bus Depot, Adilabad District.

..... APPELLANT

AND

- 1 Ms. Khan (Ex.Driver) R/o. Kadam Village and Mandal,
Adilabad District.
- 2 The Chairman-Cum-Presiding Officer, Industrial Tribunal -cum-Labour
Court, Godavarikhani, Karimnagar district.

(R2 is not necessary party to this appeal)

.....RESPONDENTS

Counsel for the Appellant : SMT.P.RAJANI

Counsel for Respondent No.1 : MR.A.K.JAYAPRAKASH RAO

Counsel for Respondent No.2:

The Court at the stage of admission, made the following JUDGEMNT: (per SAR,J)

The writ appeal is filed by the appellant-writ petitioner aggrieved by the order of a learned single Judge of this Court dismissing the writ petition which was filed questioning the award in I.D.No.50 of 1997 dated 24.7.2000 of the Labour Court under which the 1st respondent-workman was ordered to be reinstated with all consequential benefits including back wages and continuity of service apart from costs of Rs.500/-.

According to the learned counsel for the appellant the 1st respondent-workman while working as a driver in the appellant-corporation, caused an accident as a result of which, two passengers received injuries. Therefore, he was charge sheeted and as per the report of the Enquiry Officer, he was imposed punishment of removal from service on 15.4.1995. Aggrieved by that, the 1st respondent-workman approached the Industrial Tribunal by way of filing I.D.No.50 of 1997. The Labour Court, after considering the material available on record, gave a categorical finding that as the negligence of the 1st respondent-workman was not proved, the punishment of removal from service imposed against him was illegal and accordingly, set aside the order of removal and directed the appellant-corporation to reinstate him with all consequential benefits.

The learned single Judge after considering the award, confirmed the same as no grounds have been made out, warranting interference.

The learned counsel appearing for the appellant sought to contend that as the 1st respondent-workman was negligent while driving the vehicle which resulted in accident, therefore he is not entitled for at least back wages.

Heard the learned counsel for the parties.

In view of the categorical finding recorded by the Labour Court that the 1st respondent-workman was not negligent while driving the vehicle, consequent of such finding, the 1st respondent-workman has to be reinstated with all consequential benefits including back wages. Therefore, there are no grounds warranting interference by this Court in the order of the learned single Judge.

The writ appeal is accordingly dismissed.

(T.MEENA KUMARI, J)

(S.ANANDA REDDY, J)

DT: 14.02.2005

bsv/lvl

To

1. The Depot Manager, APSRTC, Nirmal Bus Depot, Adilabad District.
2. The Chairman-Cum-Presiding Officer, Industrial Tribunal -cum-Labour Court, Godavarikhani, Karimnagar District.

3. Two CD copies